

The Willoughby of Chevy Chase CONDOMINIUM

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August 28, 1996

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

RE: DOCKET No. 95-59
FCC 96-78

DOCKET FILE COPY ORIGINAL

Dear Sir/Madam:

The Willoughby of Chevy Chase Condominium is a high rise building encompassing over 800 residential units on 19 floors. Any FCC rule requiring this condominium to permit the installation of satellite antennas by residents on the various membrane roof sections of our building would pose enormous practical problems as well as unreasonable additional expenses even for those owners who do not own a satellite antenna.

(1) It is probable there will ultimately be so many satellite antennas on the roof that they will present a serious and costly impediment to essential ongoing maintenance of the roof membrane itself.

(2) Installations and periodic maintenance service of roof antennas by many residents and/or their contractors will inevitably lead to damage to the roof membrane resulting in leaks through the roof into top floor residential hallways and living units. Tracing such leaks and assigning responsibility for the cost of their repair and attendant damages will often prove impossible. Thus, even owners without satellite antennas will have to pay for roof repairs and attendant damages caused by those owners who have satellite antennas.

(3) We will eventually need to perform large scale roof repairs or replacement. We will inevitably face higher costs because roofing contractors can be expected to charge much higher prices for projects where the roof has a number of satellite antennas, mounting devices and connecting cabling than they would charge to work on a roof unobstructed by such impediments.

(4) Rooftop installations will require running a cable from residential living units to the rooftop. In the absence of convenient vertical conduits (our 30+ year old building was not designed with satellite antenna installations in mind, and even our internal television antenna coaxial system is problematic), we would have to allow residents to either install cable on common area hallway walls or attach it to the building exterior. This will ultimately adversely impact the property values of the units in our building. Installations on the exterior of the building will result in higher maintenance costs due to deterioration of the relatively fragile exterior concrete surfaces. It will be impossible to

determine whether deterioration of exterior concrete surfaces resulted from the cable installations or is due to normal aging of the building.

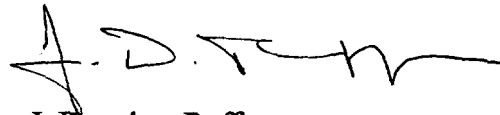
There is also the issue of satellite antenna installation on balconies, which arguably may already be required under newly adopted Section 1.4000. Concrete balconies are relatively fragile structures, subject to rapid deterioration due to water penetration of the concrete, and repairs to concrete balconies are extremely expensive. We are engaged in an ongoing campaign to prevent our balconies from succumbing to this fate. When satellite antennas are fastened to concrete balcony walls and floors, additional water penetration is likely. Yet, it will probably be impossible to prove whether premature deterioration resulted from such an installation or normal aging and deterioration.

A satellite antenna will have to be securely mounted somewhere to avoid the risk of being blown away by a strong wind, possibly to cause injury or damage to someone or some other part of our building or a neighboring building. Mounting on our building exterior walls will result in additional maintenance cost of the exterior surfaces. This will also adversely impact the property values of the units in our building.

Finally, we question the wisdom of any law or regulation which interferes in the contract that exists between our owners. That contract, known as our Declaration and By-laws, constitutes an agreement all owners willingly enter into as a condition of their purchase of a condominium unit. Requiring our condominium to permit the installation of satellite antennas on commonly owned property, even when such property is reserved for the exclusive use of one resident, violates the terms of that contract in a manner that benefits a minority of our owners and penalizes the majority. Such action completely refutes the entire underlying principle of condominium ownership and will result in financial loss for all our owners.

For these reasons, the Board of Directors of The Willoughby of Chevy Chase Condominium strongly urges the Federal Communications Commission to refrain from adopting any new rule that would require condominiums to permit rooftop installations of satellite antennas, and to revise Section 1.4000, already adopted, to clarify that balcony installations of satellite antennas are not permitted on common property. Enclosed is a photograph of our building to assist you in visualizing the nature of our particular circumstances.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'J. Douglass Ruff', with a stylized, flowing script.

J. Douglass Ruff
President

cc: Hon. Paul Sarbanes, U.S. Senator
Hon. Barbara Mikulski, U.S. Senator
Hon. Constance Morella, U.S. Representative
Mr. Robert Diamond, President,
Community Associations Institute

